

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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E.J. CHIN REALTY CORP., EDDY CHIN and	:	
SIU CHEE CHIN,	:	
	:	<u>ORDER GRANTING</u>
	:	<u>DEFENDANT J.P. MORGAN</u>
Plaintiffs,	:	<u>CHASE & CO.'S MOTION TO</u>
	:	<u>DISMISS</u>
-against-	:	
	:	23 Civ. 4485 (AKH)
JPMORGAN CHASE BANK, N.A. and J.P.	:	
MORGAN CHASE & CO.,	:	
	:	
Defendants.	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiffs filed this suit in New York state court on April 24, 2023, asserting negligence and contract breach claims against JPMorgan Chase Bank, N.A. and J.P. Morgan Chase & Co. for their failure to safely guard Plaintiffs' assets stored in a safe deposit box on the Upper East Side. Defendants removed the case to federal court on May 30, 2023. On June 20, 2023, JPMorgan Chase Bank, N.A. filed an answer. On June 26, 2023, J.P. Morgan Chase & Co. moved to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). For the reasons below, the motion is granted.

The Complaint is devoid of any facts associating it with the alleged wrongdoing. Defendant J.P. Morgan Chase & Co. is the corporate parent and holding company of Defendant JPMorgan Chase Bank, but that status alone cannot be the basis of liability.¹ *See Pincover v. J.P. Morgan Chase Bank, N.A.*, 592 F. Supp. 3d 212, 217 n.3 (S.D.N.Y. 2022) (granting J.P. Morgan

¹ This relationship is disclosed in Defendant JPMorgan Chase, N.A.'s Fed. R. Civ. P. 7.1 filing. *See* ECF No. 6.

Chase’s motion to dismiss because of its status as a holding company); *Akhtar v. JPMorgan Chase & Co.*, No. 652274/2018, 2019 WL 4237985, at *3 (N.Y. Sup. Ct. Sep. 6, 2019) (granting J.P. Morgan Chase’s motion to dismiss because it “cannot be held liable for the alleged actions or inaction of Chase Bank”); *In re Aluminum Warehousing Antitrust Litig.*, No. 12 MD. 2481 (KBF), 2015 WL 1344429, at *3 (S.D.N.Y. Mar. 23, 2015) (granting J.P. Morgan Chase’s motion to dismiss because the allegations were “based solely on corporate proximity”). Thus, the complaint against Defendant J.P. Morgan Chase & Co. is dismissed.

This Court continues to have subject matter jurisdiction pursuant to 28 U.S.C. § 1332. Plaintiffs are New York citizens and Defendant JPMorgan Chase Bank, N.A. is a federally chartered bank with its principal place of business in Ohio. *See Notice of Removal*, ECF Nos. 1, 5; *Wachovia Bank v. Schmidt*, 546 U.S. 303, 318 (2006); *Pampillonia v. RJR Nabisco, Inc.*, 138 F.3d 459, 461 (2d Cir. 1998) (subject matter jurisdiction remains despite non-diverse defendant where there is “no possibility, based on the pleadings, that a plaintiff can state a cause of action against the non-diverse defendant in state court.”).

CONCLUSION

For the above reasons, Defendant J.P. Morgan Chase & Co.’s motion is granted. Plaintiffs shall file an amended complaint by January 31, 2024, dropping J.P. Morgan Chase & Co. from the action. The amended complaint shall allege the citizenship of the parties and allegations sufficient plausibly to show over \$75,000 of lost or damaged property, exclusive of interest and costs. The parties shall make their Initial Disclosures, file a joint proposed case management plan and joint appearances by 12 p.m. on February 21, 2024, and appear for an initial case-management conference on February 23, 2024 at 10 a.m. A separate order

containing the dial-in information will be issued. The Clerk is instructed to terminate the open motion at ECF No. 11.

SO ORDERED.

Dated: January 22, 2024
New York, New York

A handwritten signature in black ink, reading "Alvin K. Hellerstein". The signature is fluid and cursive, with the first name "Alvin" and last name "Hellerstein" clearly legible.

ALVIN K. HELLERSTEIN
United States District Judge